

Interim Decision #2050

MATTER OF RAMIREZ
In Visa Petition Proceedings

A-19125723

Decided by Board June 26, 1970

Since there is no substantial evidence that the Civil Code of the State of Tamaulipas, Mexico, is controlling with respect to beneficiary's common-law relationship in that State in 1957, the general rule that under section 3 of Article 130 of the Mexican Constitution of 1917, as amended, common-law marriages are not "recognized" in Mexico, is applicable; hence, her subsequent marriage to the U.S. citizen petitioner in 1967 is valid to confer immediate relative classification under section 201(b) of the Immigration and Nationality Act.

ON BEHALF OF PETITIONER: Moises V. Vela, Esquire
P.O. Box 329
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The petitioner, a native-born citizen of the United States, appeals from an order of the District Director at Port Isabel, Texas, entered on November 21, 1969, denying his petition for immediate relative classification for his alleged wife, Carmen Zuniga de Ramirez, under the provisions of section 201(b) of the Immigration and Nationality Act, as amended. Exceptions have been taken to the finding that the petitioner's marriage to the beneficiary is not valid for immigration purposes.

The petitioner married the beneficiary at Harlingen, Texas on February 13, 1967. He states in his petition that his wife is the mother of three children, two of whom were born respectively in Nogales, San Luis Potosi, Mexico on July 3, 1955 and June 5, 1960 and the other in Altamira, Tamaulipas, Mexico on November 12, 1957. He also states that his wife has had no prior marriages.

The District Director concludes that the beneficiary was not free to marry the petitioner on February 13, 1967 because she was: